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Crl.O.P.No.16854 of 2023

**Crl.O.P.No.16854 of 2023**

**G.CHANDRASEKHARAN. J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Section 341, 294 (b), 385, 506 (ii) of I.P.C, r/w 25 (1A) of Arms Act, in Crime No.281 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated as an accused in Crime No.281 of 2023 for the offences under Section 341, 294 (b), 385, 506 (ii) of I.P.C, r/w 25 (1A) of Arms Act. Co-accused had been arrested and released on bail. Apprehending arrest, this petition is filed seeking anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that on 19.06.2023 at about 03.00 p.m. when the defacto-complainant was travelling, in two-wheeler in bearing No.TN51 J 5610 he was waylaid by the accused in this case. Accused threatened the defacto-complainant with Aruval and he had robbed Rs.400 from him.



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The amount has been recovered.

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4.Considered the rival submissions and perused the records.

5.Considering the nature of the allegations made in the First Information Report, and the amount has been recovered and that co-accused has been released on bail, this Court is of the view that custodial interrogation of the petitioner is not necessary. Thus, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Judicial Magistrate Court No.II, Nagapattinam**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

**[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**02.08.2023**



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